

FACSIMILE COVER SHEET



UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
Voice Contact Number (808)  
Fax Number (808)

United States Courthouse PJKK Bldg.  
300 Ala Moana Blvd Rm C-338  
Honolulu, Hawaii 96850

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TO: Lex Smith  
FAX NO: 539-8799  
FROM: Leslie L. Sai  
DATE SENT: 03-6-03

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Number of pages including cover sheet 6

EXHIBIT H

CONFIDENTIALITY NOTE:

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2. Did Fleming Companies, Inc. prove by a preponderance of the evidence that it has a valid license for the use of the Freight Control software.

Yes ☒

No ☐

If "YES" go to next question.

If "NO" go to question 4.

3. Did Wayne Berry prove by a preponderance of the evidence that Fleming made unauthorized changes to the Freight Control software.

Yes ☒

No ☐

If "NO" skip to section B.

If "YES" go to next question.

4. Was the infringement of the Freight Control software copyright willful?

Yes ☒

No ☐

Go to the next question.

5. What amount of damages is Wayne Berry entitled to for the infringement of Freight Control System software?

\$99,250.00

B. CRYSTAL REPORTS SOFTWARE

1. Has Plaintiff Wayne Berry proven by a preponderance of the evidence that he is the owner of the copyright to the Crystal Reports software attached to Exhibit 222?

Yes ☒

No ☐

If "NO", skip to section C.

If "YES" go to next question.

2. Did Fleming Companies, Inc. prove by a preponderance of the evidence that it has a valid license for the use of the Crystal Reports software.

Yes ☒

No ☐

If "YES" go to next question.

If "NO" go to question 4.

3. Did Wayne Berry prove by a preponderance of the evidence that Fleming made unauthorized changes to the Crystal Reports software.

Yes ☐

No ☒

If "NO" skip to section C.

If "YES" go to next question.

4. Was the infringement of the Crystal Reports software copyright willful?

Yes ☐

No ☐

Go to the next question.

5. What amount of damages is Wayne Berry entitled to for the infringement of Crystal Reports software?
- \_\_\_\_\_

C. FLEMINGPO.EXE SOFTWARE

1. Has Plaintiff Wayne Berry proven by a preponderance of the evidence that he is the owner of the copyright to the FlemingPO.exe software attached to Exhibit 223?

Yes ~~X~~

No \_\_\_\_\_

If "YES" go to next question.

If "NO", skip to the end.

2. Did Fleming Companies, Inc. prove by a preponderance of the evidence that it has a valid license for the use of the FlemingPO.exe software.

Yes ~~X~~

No \_\_\_\_\_

If "YES" go to next question.

If "NO" go to question 4.

3. Did Wayne Berry prove by a preponderance of the evidence that Fleming made unauthorized changes to the FlemingPO.exe software.

Yes \_\_\_\_\_

No ~~X~~

If "NO" skip to the end.

If "YES" go to next question.

4. Was the infringement of the FlemingPO.exe software copyright willful?

Yes \_\_\_\_\_

No \_\_\_\_\_

Go to the next question.

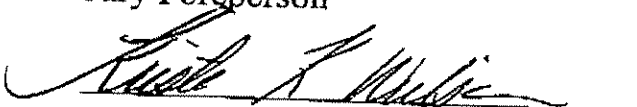
5. What amount of damages is Wayne Berry entitled to for the infringement of FlemingPO.exe software?

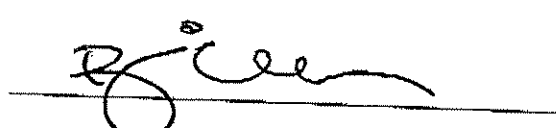
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Please sign and date this Special Verdict Form.

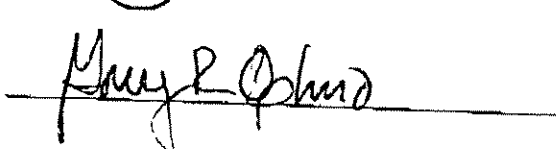
  
Jury Foreperson



  
Carol Ho Akemoto









  
Date

3/6/03